

### REMARKS/ARGUMENTS

Applicant appreciates the Examiner's thorough search and examination of the present patent application.

Claims 13 and 14 have been amended, and claim 15 has been canceled.

Claim 14 stands rejected under 35 U.S.C. §112, second paragraph on the grounds that no function is specified by the word "storing" in the claim element "storing means" such that it is impossible to determine equivalents of the element, as required under 35 U.S.C. §112, sixth paragraph. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the amendment to claim 14 has removed use of the term, "storing means" and that claim 14, as amended, is allowable.

Claims 13-15 have been rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the amendments to claims 13 and 14 overcome the Examiner's rejection under 35 U.S.C. §101. In particular, claim 13 recites a computer program "embodied in a computer-readable medium," and further defines "code causing an apparatus to function to control a supply of fuel to a combustion engine." Accordingly, the claim is not drawn to descriptive material, *per se*, and includes functional changes that are caused to occur in the apparatus. The functional changes to the apparatus include determining "when a demanded total fuel quantity to the combustion engine is below a first predetermined total fuel quantity," calculating "a value for increasing and decreasing the fuel supply to the combustion engine as function of the demanded total fuel quantity" and increasing the fuel supply to a "first group of cylinders" and decreasing the fuel supply to a "second group of cylinders" by substantially the same value. Accordingly, applicant submits that claim 13 defines statutory subject matter in accordance with 35 U.S.C. §101, and reconsideration is respectfully requested.

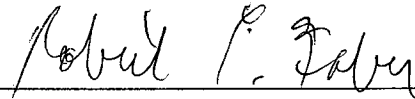
Claim 14, which depends directly from claim 13, also defines statutory subject matter in accordance with 35 U.S.C. §101. Claim 14 positively recites an electronic control unit in combination with the computer program of claim 13. The electronic control unit includes the "computer-readable medium" and the electronic control unit "controls the fuel supply to the combustion engine in the vehicle." Unlike claim 13, therefore, claim 13 recites in combination a computer program embodied in the computer-readable medium, a "vehicle" including the

combustion engine, and an "electronic control unit" that includes the computer-readable medium that embodies the computer program. Applicant respectfully submits claim 14, which depends directly from claim 13, is also allowable as well as because of the combination of features in claim 14 with the features set forth in claim 13.

For the foregoing reasons, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY THROUGH  
THE PATENT AND TRADEMARK OFFICE EFS  
FILING SYSTEM ON November 7, 2007.

Respectfully submitted,



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